

In response to the species election requirement, applicants elect the following species: gene expression as the effects being compared between the two groups; short term calorie restriction as the dietary program; rodents as the samples being compared; a test compound as the candidate intervention; and changes in gene expression levels as the withdrawing effect being mimicked. The claims that read on the elected species are claims 48-51 and 53-56. Applicants further acknowledge that upon the allowance of a generic claims, applicants will be entitled to consideration of claims to addition species that depend from or otherwise include the limitations of an allowable generic claim.

The foregoing group and species elections requirements are made with traverse. According to the MPEP, where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. See, the MPEP at § 803.01. The claims set forth in Groups V-VII stem from a common concept and theory. Thus, a proper search of the subject matter of Group VI would likely identify art related to the other Groups. Accordingly, the search would not place an undue burden on the Examiner.

Further, with regard to the species election requirements for the elected group, Applicants' invention is not limited to evaluation of the dynamics of treatment and withdrawal of a particular intervention in a particular test sample that receives a particular dietary program. Rather, Applicants' invention is based on the discovery that interventions can be evaluated using biochemical measurements to determine if treatment mimics the dynamics of calorie restriction.

In view of the foregoing, Applicants respectfully request withdrawal of the restriction and species election requirements.

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PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

Jean M. Lockyer
Reg. No. 44,879

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
JML:jml
60825697 v1